

**THIRTY-THIRD DAY.**

Senate Chamber,  
Austin, Texas,

Tuesday, February 24, 1925.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Hardin of Erath.	Murphy.
Miller.	Witt.

Prayer by Senator Reid.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

**Senate Bill No. 343.**

Senator Pollard moved that S. B. No. 343 be recalled from Committee on State Affairs and be referred to Committee on Educational Affairs.

The Chair held that the committee had not reported on the bill and the motion was, at this time, out of order.

**Bills and Resolutions.**

By Senator Davis:

S. B. No. 374, A bill to be entitled "An Act to require all students entering the Agricultural and Mechanical College, College of Industrial Arts, East Texas State Teachers College, John Tarleton Agricultural College, North Texas Agricultural College, North Texas State Teachers College, Prairie View State Normal and Industrial College, Sam Houston State Teachers College, South Texas State Teachers College, Southwest Texas State Teachers College, Stephen F. Austin State Teachers College, Sul Ross State Teachers College, Texas Technological College,

University of Texas, main branch, University of Texas, medical branch, University of Texas, school of mines and metallurgy branch, and West Texas State Teachers College, on and after June 1, 1925, to pay a charge, fee or tuition of one hundred dollars for the regular annual long term of nine months, and thirty-five dollars for the summer or short term, if there be one in said named institutions, and authorizing the Board of Regents or the governing board of each institution to use said fees or charges or tuition for all proper purposes in the interest of said institutions and student body, except for the purpose of erection and construction of permanent improvements and making repairs thereon, and providing that the fees, charges and tuition required to be paid shall be the full, final and exclusive fees, charges and tuition permitted under the laws of Texas, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Morning call concluded.

By Senator Smith, by request:

S. B. No. 375, A bill to be entitled "An Act to amend Section 1 and Section 3, Chapter 78, General Laws, Thirty-fifth Legislature known as the Interchangeable Jury Law, to regulate the selection, organization and custody of juries in all cases except capital and lunacy cases in counties where there are now three or more, or may hereafter be established three or more district courts and in counties in which there are two district courts and one county court at law, and to repeal all laws in conflict herewith.

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Real.

S. B. No. 376, A bill to be entitled "An Act to permit Otto Limberger and M. H. Tarver to maintain a suit now pending in the district court of Bandera County, Texas, the same being Number 976, styled Otto Limberger versus the State of Texas, said suit being brought for the purpose of setting aside a final judgment against said Limberger and said Tarver in favor of the State of Texas, on a forfeited bail bond, plaintiffs in said suit alleging a meritorious

defense and that said judgment was rendered through accident and mistake.

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 377, A bill to be entitled "An Act creating the Willamar Independent School District in Willacy County, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of five persons; and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 378, A bill to be entitled "An Act creating the Lasara Independent School District in Willacy County, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of five persons; providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey:

S. B. No. 379, A bill to be entitled "An Act amending Acts of the Thir-

ty-eighth Legislature, Second Called Session, Chapter 6, and providing that where the State of Texas, through the Game, Fish and Oyster Commissioner, has issued a permit to excavate and take from any island reef, bar, lake, river, creek, bayou or bay of this State marl, mud shell, oyster shell, sand and gravel, the State, at the request of the permit holder, shall have the right and power to condemn land for the purpose of erecting dredges and necessary equipments, railroad spurs, and of opening roads and passageways to said place of operations, including all such lands, right of way, easements and property aforesaid for the purpose of establishing and maintaining landings and providing moorings for barges and dredges and all equipments; and providing that the method of condemnation shall be the same as now provided by law in cases of railroads and providing that suit shall be instituted in the name of the State by the county attorney of the county in which the property or a part thereof affected by such proceedings is situated, and providing a fee of \$10.00 in each case for the county attorney in instituting such proceedings, to be collected as a part of the costs, and providing for all costs to be paid by either the permit holder or by the person against whom such proceedings are had, to be determined as in the case of railroad condemnation proceedings, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Triplett:

S. B. No. 380, A bill to be entitled "An Act creating the Orange Independent School District in the County of Orange, State of Texas, defining its boundaries; providing for the addition of contiguous territory, and divesting the bodies politic now controlling the same of the title to all the territory within this Act as described and investing the same in the Orange Independent School District, providing for the personnel and election of a board of trustees to manage and control the public free schools within said districts and investing the said district with the rights, powers, privileges and duties of a city, town or village incorporated for free school purposes only

under the General Laws continuing the tax heretofore voted, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Holbrook:

S. B. No. 381, A bill to be entitled "An Act amending Articles 2425, 2428, 2429, 2431 and 2433 of the Revised Civil Statutes of 1911 as amended by Chapter 34 of the General Laws of the Regular Session of the Thirty-eighth Legislature relating to depositories, and declaring an emergency."

Read first time and referred to Committee on Banking.

#### Senate Bill No. 106 .

The Chair laid before the Senate, on second reading, as a special order for the hour,

S. B. No. 106, A bill to be entitled "An Act regulating the manufacture, distribution, sale, prescription and furnishing of intoxicating liquor in this State; regulating the handling and traffic in intoxicating liquor for medicinal purposes; regulating prescriptions of intoxicating liquor by physicians and the sale or furnishing of intoxicating liquor by druggists, pharmacists and drug stores; prescribing the necessary regulations, requirements and penalties to carry out such purpose; providing for the keeping of the necessary information and records and the filing of same with public officers and agents to facilitate the enforcement of the liquor laws; amending Chapter 78, General Laws, Second Called Session of the Thirty-sixth Legislature, and declaring an emergency."

Note: S. B. No. 235 was also included to be considered at this time as a special order.

The bill was read second time on a former date, and Senator Price offered the following amendment:

Amend S. B. No. 106 by striking out all of Sections 44, 45, 46, 47, 48 and 50 and insert in lieu thereof the following:

Section 44. It shall be unlawful for any physician to write any prescription for intoxicating liquor of any kind for any person without first receiving from such person or someone acting for such person, as herein provided, a signed application for such prescription. Such application shall state the name and residence of the patient, and when signed by

patient shall state the nature of the disease for the treatment of which he asks for the liquor. In case the patient is physically or mentally unable to sign the application, then some adult person may sign the same, in which case such person must state over his signature that the patient is sick, unable to sign said application, and that in his opinion the patient needs the liquor because of sickness. All applications shall be signed in quadruplicate, three of which shall be plainly marked in bold type "copy" and one "original."

Sec. 45. It shall be unlawful for any other person other than a physician duly licensed to practice medicine under the laws of this State holding a liquor permit from the Comptroller of Public Accounts, to receive an application for or write a prescription for intoxicating liquor for any purpose. If the physician is persuaded that the application is bona fide, he shall take possession of the original application and copies, prepare an original prescription and three copies thereof, attach the original application to the original prescription and deliver the two originals to the applicant; and he shall file with the druggist to whom the prescription is addressed one copy each of the application and prescription. Said copies to be filed within three days after the execution of the prescription. He shall also file with the clerk of the district court in the county of his residence a true copy each of the application and prescription within ten days after the delivery of the prescription accompanied by a sworn statement that he personally examined the patient immediately prior to the time of the delivery of the prescription and believed the intoxicating liquor prescribed to be necessary for the preservation for the life or health of a patient. Said physician shall also forward to the State Comptroller of Public Accounts on or before the tenth day of each month, one copy of each application for intoxicating liquor received by him, and a copy of each prescription written by him in the calendar month immediately preceding. Said copies to be accompanied by the sworn statement of such physician that they are true copies of all applications and prescriptions received and written by him during said month. No physician shall prescribe a greater quan-

tity than one pint of intoxicating liquor for any one person in a period of ten days, and provided that no physician shall charge more than one dollar for any one liquor prescription.

Sec. 46. It shall be unlawful for any person other than the druggist authorized in Section 47 of this Act to fill any prescription for intoxicating liquor. No prescription shall be filled unless attached to the original application provided for in this Act, and no intoxicating liquor shall be sold or furnished to any person on prescription except as provided herein, and where the person presenting the prescription is not the patient named in the prescription, such person shall endorse on the application that he is the person to whom the physician delivered the prescription. That no druggist shall sell on prescription more than twenty-five gallons during any one calendar year. Provided further, that it shall be unlawful for a druggist to solicit, directly or indirectly, liquor prescriptions from any physician.

Sec. 47. The sale or furnishing of intoxicating liquor on physician's prescription shall be unlawful except by a druggist holding a permit by the Comptroller. Such permit shall be issued only to druggists who are registered pharmacists in this State who shall have filed with the Comptroller of this State a certificate signed by the county judge of the county of such druggist's residence, certifying to the good moral character of such druggist. Provided, that the Comptroller may charge a fee of \$5.00 for each permit issued under the terms of this Act. Such fees when collected to be used in payment for the blanks required by this Act, the surplus, if any, to be paid by the Comptroller into the treasury of the State.

Sec. 48. On or before the tenth day of each month each druggist in this State shall file with the clerk of the district court of the county in which prescriptions were filled a copy of all original applications and all original prescriptions, and shall attach to said papers a report signed and sworn to by such druggists, stating that all of said prescriptions were filled according to the laws of the State of Texas and the United States.

Sec. 50. It shall be unlawful to manufacture, sell or possess any in-

toxicating liquor for medicinal purposes without a permit from the State Comptroller of Public Accounts, which permit may be issued in the discretion of the comptroller to any person who, in the opinion of the comptroller, according to his best information will comply in all respects with the law. Provided, however, that no such permit shall be issued unless the application is accompanied by the certificate of a district judge of the district in which the applicant resides, stating that in his opinion the applicant is a law abiding citizen; and that, in his opinion, the permit is sought for legal purposes and that a necessity exists requiring the issuance of the permit. Provided, however, that it shall be lawful for a person to possess and transport liquor obtained on prescription. Under such permit to sell intoxicating liquor the holder of such permit shall not sell intoxicating liquor except to druggists holding a permit from the comptroller to sell intoxicating liquor on prescription for medicinal purpose. It being the purpose of this Act to confine the furnishing and procuring of intoxicating liquor for medicinal purposes to cases of actual need to be furnished in accordance with law pursuant to physicians' prescriptions, in keeping with the constitution which preserves in the State the general police power over intoxicating liquor and declares that the Legislature shall have the power to pass any additional prohibitory laws or laws in aid thereof which it may deem advisable.

Senator Moore of Hunt, after discussion, moved that the Price amendment, as well as a proposed amendment by Senator Woodward and a proposed substitute for the bill and amendments by Senator Stuart, be printed in the Journal and that the consideration of the matter be postponed.

The motion was adopted.

Following is a proposed amendment by Senator Woodward:

Amend S. B. No. 106 by adding thereto Section 56 reading as follows:

Section 56. The Clerk of the district court shall cause to be published a certified copy of each report filed with him by each and every physician and druggist as provided in this Act, and which report shall

be published in some newspaper published in the county wherein the report is filed, and if no newspaper is published in said county then said report shall be posted at the courthouse door of the county wherein the report is filed, and the fees for the publication thereof shall be paid out of county funds upon warrants drawn in the manner as provided by law and the clerk shall be allowed a fee of \$2.50 for each report so certified and published by him.

The following is the proposed substitute by Senator Stuart:

Amend S. B. No. 106, by striking out the caption and inserting in lieu thereof the following:

An Act regulating the manufacture, distribution, sale, prescription and furnishing of intoxicating liquor in this State; regulating the handling and traffic in intoxicating liquor for medicinal purposes; regulating prescriptions of intoxicating liquor by physicians and the sale or furnishing of intoxicating liquor by State and county dispensaries and providing for the manner of distributing same; prescribing the necessary regulations, requirements and penalties to carry out such purposes; providing for the keeping of necessary information and records and the posting of same upon a public bulletin board at the courthouse of each county of the State of Texas; to facilitate the enforcement of the liquor laws; amending Chapter 78, General Laws, Second Called Session of the Thirty-sixth Legislature, by striking out Sections 7, 8, 12, 14, 19, 20 and 23, and substituting new Sections Nos. 7, 8, 12, 14, 19, 20 and 23, and declaring an emergency.

Amend S. B. No. 106, by striking out all below the enacting clause and substituting in lieu thereof, the following:

That Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature as amended, is hereby amended by striking out Sections 7, 8, 12, 14, 19, 20 and 23, and substituting in lieu thereof new sections to be numbered 7, 8, 12, 14, 19, 20 and 23.

Section 7. That alcohol for non-beverage purposes and wine for sacramental purposes may be manufactured and sold as follows:

The Comptroller of Public Accounts may issue permits to persons to manufacture and sell equipment

for the manufacture of liquor not prohibited herein; to manufacture alcohol and wine; to manufacture alcoholic, patent or proprietary medicine, flavoring extracts and culinary preparations and other non-beverage alcoholic preparations to wholesale druggists, to the State Board of Control and to the county clerk of each and every county of the State of Texas, and to persons permitted to possess alcohol and wine for authorized purposes. Such permits shall not be in conflict with the prohibitions contained herein.

The Board of Control shall purchase through wholesale druggists or through other sources that are authorized to sell alcoholic liquors or wines such alcoholic liquors and wines in wholesale quantities in an amount sufficient to supply the needs of the various county clerks of the State of Texas under the provisions of this Act, and shall bottle and distribute same to the various county dispensaries of the State of Texas upon application therefor by the county clerk of any county in the State of Texas. The Board of Control shall stamp upon each pint bottle of liquor so dispensed the wholesale cost thereof. The Board of Control and each and every county clerk shall make such reports as are required under Chapter 78 hereof, and such other reports as may be required by the Comptroller of Public Accounts.

The permits granted by the Comptroller shall allow each county clerk to sell not to exceed during any year one gallon of liquor to each one thousand persons in the county in which such dispensary is located, such calculation to be based upon the latest United States Government census.

The county clerk shall not charge more than fifty per cent profit upon the sale of any liquor, and shall be allowed to charge not more than twenty-five cents for each affidavit taken by him; that the charges made therefor shall be as compensation received by the county clerk for the handling of the liquor dispensed by him, and same shall be considered ex-officio fees of office, and he shall not be required to account for same under the fee bill.

Each and every county clerk who dispenses liquor under the provisions of this Act shall make a quarterly report to the Comptroller of Public Accounts, showing the amount of

liquor sold by him and the amount of money received therefor, which said amount shall be remitted quarterly to the Comptroller of Public Accounts, and all profit derived therefrom after paying the actual cost of such liquor together with distribution of same by the Board of Control, shall be placed in the available school funds of the State of Texas.

Section 8. That a permit shall not be issued by the Comptroller to any wholesale druggist or any person who has, within two years next preceding the issuing of same, been adjudged guilty of violating any of the provisions of this Act, or of any permit, or of any law of this State, or of the United States, prohibiting or regulating the liquor traffic; nor shall a permit be issued for the purpose of selling such liquor at retail, unless such sale be made by the county clerk designated in the permit and duly licensed by the Comptroller, nor until a bond shall be given and approved, and the applicant has filed written application therefor setting forth the amount of liquor he desires to distribute, with such other information as the Comptroller may require. The bond herein required of a county clerk who shall distribute or dispense liquor, shall be made payable to the Governor of this State at Austin, in Travis County, Texas, shall be in the sum of five thousand dollars conditioned for the faithful observance of this Act; the bond shall be upon such form as may be drawn and prescribe by the Attorney General, and for any breach of the same suit may be brought in the district court of Travis County to recover the entire amount of same as a penalty for such violation of the law and breach of the bond. Said bond, if signed by personal sureties, must be signed by two solvent sureties, or, if by a surety company, then by a surety company authorized to transact business in the State of Texas. The bond shall be subject to the approval of the Comptroller and shall be filed in his office. The Attorney General shall bring all actions for breach of said bond in the name of the State.

Section 12. That it shall be unlawful for a wholesale druggist to sell alcohol or wine, except in wholesale quantities, to persons having permits to purchase in such quantities. Such wholesale druggist shall keep an accurate record of all sales

and label the containers of such liquor, setting forth the kind of liquor contained therein, by whom manufactured, and the person to whom sold. A copy of such record shall be sent to the Comptroller of Public Accounts every third month after this Act goes into effect by the tenth of the month for the quarter preceding. It shall be unlawful for any county clerk to sell any liquor except alcohol for non-beverage purposes or wine for sacramental purposes. Such county clerk shall keep a record giving the name of the doctor issuing the prescriptions, the amount, date of sales, the name and signature of the purchaser, the person making the sale, and a copy of the prescription. Such county clerk shall also require each and every applicant for whiskey to make an affidavit stating for what purpose such liquor is required, the nature and kind of disease or disorder; the name, age, color, sex, residence, occupation and race of the applicant; the length of time applicant has suffered from the disease or disorder, and also that the applicant has not received by purchase, gift, loan or otherwise, within the ten days immediately preceding said application, any amount of intoxicating liquor in violation of any of the laws of the State of Texas or the United States; that said intoxicating liquor applied for is to be used by the patient for medicinal purposes only. In case the applicant is mentally or physically unable to sign said application, the nearest kin who is at least seventeen years of age may sign said application for such applicant, but in case no such person is available, such other person who may be nursing or assisting in caring for the applicant may sign such application. In case any other person than the person for whom the liquor is procured signs such application, such person must sign over his signature that he is doing so at the request of the physician in attendance upon the patient; and in case the patient is mentally able to answer questions, it shall also state it is the request of said patient, and such person shall also state that the patient is unable to sign said application. All applications shall be signed in triplicate, one of which shall be filed with the Comptroller, one kept by the county clerk, and one filed with the Board of Control, one of which shall be

marked "original" and the other two "copy." The county clerk shall, on the first day of each month, post on the bulletin board to be kept on the wall of the courthouse in a conspicuous place in view of the public, a list of all prescription filled during the preceding month, giving the name, address, and amount of liquor purchased by each person during the month prior thereto.

Section 14. That a physician who issues prescriptions must be in active practice, in good standing with his profession, not addicted to the use of any narcotic drug, and have a permit as provided herein for issuing prescriptions. Such physician before issuing any prescriptions must make a careful personal, physical examination of the person to whom the alcohol is prescribed, and in no case issue such prescription to any person whom he has reason to believe will use alcohol for beverage purposes, nor prescribe more than a pint of alcohol to any person at a time; nor shall such prescriptions be filled by any one other than the county clerk of the county in which the physician resides. The prescription issued by a physician shall be made to comply with the requirements of the Federal law, and no formalities or details shall be required hereunder, except those prescribed by the Federal law. It shall be unlawful for any physician issuing a prescription hereunder to charge more than one dollar for any one prescription.

Section 19. That the Comptroller of Public Accounts shall have printed form of records, affidavits, and prescriptions, as provided herein, and shall furnish the same at cost to only such persons as are authorized by the terms of this Act to sell, transport, purchase, manufacture or use alcohol. The affidavits or prescriptions to be filed with the county clerk shall be printed in book form, numbering such affidavit with a consecutive serial number from one to one hundred, and each book shall be given a number, and a stub in each book shall carry the same number as the affidavit or prescriptions, showing the copy of the record of such sale. The book containing such stub shall be returned to the Comptroller of Public Accounts when the affidavits or prescription are used, or not later than six months from the date that such book or affidavits and prescriptions were delivered to such

county clerk or physician. All unused, mutilated, or defaced blanks shall be returned with the book. No county clerk or physician shall make such sale or issue such prescriptions, except on blanks herein provided. The form of such record shall be prescribed by the Comptroller of Public Accounts.

The Comptroller shall charge a fee of five dollars for each and every character of permit issued by him under this Act.

Section 20. That if at any time there shall be filed with the Comptroller of Public Accounts a complaint under oath setting forth that any county clerk, who has a permit to sell alcohol for medicinal, mechanical, or scientific purposes, or wine for sacramental purposes, is not in good faith conforming to the provisions of this Act, or is guilty of violating this Act, the Comptroller of Public Accounts or his agent shall immediately issue an order citing such county clerk to appear at a place in the State where he resides before the Comptroller of Public Accounts, on a day named not more than thirty days, nor fewer than fifteen days, from the issuing of such order, at which time the question of the cancellation of such permit shall be heard. If it be found that such county clerk is guilty of violating any of the provisions of this Act, such permit shall be revoked and no permit shall be granted to such county clerk for two years thereafter.

Section 23. That within thirty days after the date when this Act has become operative, every person except licensed wholesale druggists, the Board of Control, the county clerk, manufacturing chemists, or hospital or other places provided for herein to legally possess liquor, shall remove, or cause to be removed, all intoxicating liquors in his possession for prohibited purposes, and failure to do so shall be evidence that such liquor is kept therein for the purpose of being sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this Act; and provided further, that any county clerk, wholesale druggist, manufacturing chemist, or person in charge of hospital or other place having liquor or alcohol shall report to the Comptroller of Public Accounts

within the thirty days' period the kind and amount of intoxicating liquor had in their possession.

#### Senate Bill No. 235.

The Chair laid before the Senate, on second reading, as a special order for this hour,

S. B. No. 235, A bill to be entitled "An Act amending Sections 4 and 6 of Chapter 78, of the General Laws of the Second Called Session of the Thirty-sixth Legislature, all of said sections relating to intoxicating liquors, and to distilled, malt, spiritous, vinous, fermented or alcoholic liquors and alcoholic liquids, compounds and preparations, patent and proprietary medicines or preparations or solutions; providing for better control of prohibition and regulation of traffic in intoxicating liquors; prescribing necessary penalties and defining necessary offenses, and declaring an emergency."

The bill was read second time, and Senator Stuart offered the following amendment:

Amend S. B. No. 235, page 1, by striking out all of line 27 following the word "tonic" and also by striking out all of lines 28, 29, 30, 31 and 32 of the printed bill. Cut out "such as" in line 26 and substitute "known as."

The amendment was read, and Senator Bowers moved to table the same, which motion to table was lost, by the following vote:

#### Yeas—12.

Berkeley.	Moore of Cooke.
Bledsoe.	Parnell.
Bowers.	Pollard.
Floyd.	Russek.
Lewis.	Strong.
Moore of Hunt.	Woodward.

#### Nays—15.

Bailey.	Real.
Hardin of Erath.	Smith.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Miller.	Ward.
Murphy.	Wirtz.
Parr.	Wood.
Price.	

Present—Not Voting.

Fairchild.

Absent.

Davis.	Witt.
Reid.	

The amendment was then adopted.

After discussion, Senator Woodward moved to reconsider the vote by which the Stuart amendment was adopted, which motion to reconsider was adopted, by the following vote:

#### Yeas—14.

Berkeley.	Parnell.
Bowers.	Pollard.
Floyd.	Price.
Holbrook.	Smith.
Lewis.	Strong.
Moore of Hunt.	Triplett.
Moore of Cooke.	Woodward.

#### Nays—12.

Bailey.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman.	Stuart.
Miller.	Ward.
Murphy.	Wirtz.
Parr.	Wood.

Present—Not Voting.

Bledsoe.	Fairchild.
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Absent.

Davis.	Witt.
Russek.	

Action then recurred on the Stuart amendment, and Senator Wood offered the following substitute for the amendment:

Amend Section 4 of S. B. No. 235 by inserting after the words "capable of being used for beverage purposes" the following words: "and which will produce intoxication when taken in such quantities as may practically be drunk."

Senator Moore of Hunt moved to table the substitute and the amendment, which motion to table was lost, by the following vote:

#### Yeas—13.

Berkeley.	Parnell.
Bowers.	Pollard.
Floyd.	Price.
Lewis.	Smith.
Moore of Hunt.	Strong.
Moore of Cooke.	Woodward.
Murphy.	

#### Nays—16.

Bailey.	Reid.
Bledsoe.	Russek.
Davis.	Stuart.
Hardin of Erath.	Triplett.
Hardin of Kaufman.	Ward.
Miller.	Wirtz.
Parr.	Witt.
Real.	Wood.



## Present—Not Voting.

Fairchild. Holbrook.

Action recurred on the substitute amendment by Senator Wood for the amendment by Senator Stuart, and the substitute was lost.

The amendment by Senator Stuart was lost.

Senator Fairchild offered the following amendment:

Amend S. B. No. 235, page 3, line 17, by striking out all of line 17 after the word "by" and all of line 18, and insert in lieu thereof the following: "fine of not less than twenty-five dollars nor more than \$500.00 or confinement in the State Penitentiary not more than five years."

The amendment was read, and Senator Stuart moved to table the amendment, which motion to table was adopted, by the following vote:

## Yeas—16.

Bowers.	Price.
Floyd.	Reid.
Hardin of Erath.	Smith.
Lewis.	Strong.
Moore of Hunt.	Stuart.
Moore of Cooke.	Ward.
Parnell.	Wood.
Pollard.	Woodward.

## Nays—13.

Bailey.	Parr.
Berkeley.	Real.
Davis.	Russek.
Fairchild.	Triplett.
Hardin of Kaufman	Wirtz.
Miller.	Witt.
Murphy.	

## Present—Not Voting.

Holbrook.

## Absent.

Bledsoe.

Senator Fairchild moved to postpone the further consideration of the bill until tomorrow morning, but the motion was held out of order on account of tomorrow being "House Bill Day."

The bill was then passed to engrossment.

## Executive Session.

In accordance with a motion adopted yesterday, the Senate here went into executive session to consider nominations by the Governor.

## In the Senate.

The following confirmation of nomination made by the Governor was made, as reported to the Journal Clerk by the Secretary of State.

To be judge of the district court of the One Hundred and Second District: R. J. Williams of Red River County.

## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 8, A bill to be entitled "An Act amending Articles 3, 4, 7, 10, 13, 16, 35, 38, 41, 55, 60, 61, 64 and 65, Chapter 73, of the General Laws of the First Called Session of the Thirty-sixth Legislature; and Articles 39 and 53, as amended by Chapter 139, General Laws of the Regular Session of the Thirty-eighth Legislature, changing certain penalties therein, making necessary changes and regulations repealing all laws in conflict herewith, and declaring an emergency."

With engrossed rider.

H. B. No. 72, A bill to be entitled "An Act to amend Section 1 of Chapter 82, passed by the Regular Session of the Thirty-second Legislature, amending Section 1 of Chapter 139, passed by the Regular Session of the Thirtieth Legislature, relating to the selection of juries by a jury wheel in counties with cities of certain population, and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act to create the Big Lake Independent School District, Reagan County, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon the independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act to regulate the taking of

certain fur-bearing animals or their pelts for barter or sale, declaring them to be the property of the people of the State; defining trapper, prescribing resident, non-resident and alien trapper's licenses; defining fur dealer; prescribing fur dealer's license; defining resident, non-resident and alien; providing form of trapper's and dealer's licenses, their distribution; providing for certain exemptions; defining tenant; regulating the season; providing for disposition of funds; prescribing penalty for violations; providing for enforcement, and declaring an emergency."

H. B. No. 92, A bill to be entitled "An Act providing a method of validating titles to lands conveyed by guardians under the provisions of Chapters 11 and 12, Title 64, Revised Civil Statutes of Texas, 1911, as amended by Chapter 151, General Laws passed at the Regular Session of the Thirty-third Legislature of Texas, approved April 7, 1913, where county court failed to require the bond provided for by the fourth paragraph of Article 4162 and Article 477 as amended."

H. B. No. 100, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and small towns, of aiding the people to provide adequate school facilities for the education of their children for the next two fiscal years, ending August 31, 1926, and August 31, 1927, respectively."

H. B. No. 174, A bill to be entitled "An Act to acquit, quit-claim, grant and release unto Laura Weir Scott, her heirs and assigns all right, title and interest which the State of Texas now has or may hereafter have in and to the tract of 110 acres of land, more or less, part of the J. S. Irvine survey, situated in Hays and Travis Counties, Texas, described in the deed dated April 19, 1922, executed by Mrs. Montie B. Botts to the said Laura Weir Scott and of record in book No. 335, pages 363 to 365 of the deed records of Travis County, Texas, which right, title and interest the State of Texas has or may have by virtue of the following provision contained in said deed, to-wit; during the lifetime of the said Frank D. Scott, the said Laura Weir Scott shall not have any right nor power to sell, mortgage or encumber in any way the land hereby conveyed to

her and if she, at any time, undertakes to so do, either directly or indirectly, then immediately and automatically all interest therein in her favor will absolutely terminate and end, and from that date or occurrence forward she will have no further interest in said property of any kind or character, but, in any such event or events, the title thereto will vest in fee simple together and equally in any lawful issue of her body then living and in the absence of any such living issue, same will revert and become the property of the State of Texas."

H. B. No. 246, A bill to be entitled "An Act to amend Article 2643 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 37 of the Acts of the Regular Session of the Thirty-eighth Legislature, setting aside all interest and income from the University permanent fund and lands for the purpose of constructing permanent improvements on the campus of the University of Texas, or at its branches, declaring void any contract for the expenditure of said funds for any other purpose, by including in the funds that may be used for such construction of permanent improvements all income proceeds of all mineral leases on University lands now in the State Treasury or hereafter received from such leases; and also to amend Section 17 of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 58 of the Third Called Session of the Thirty-sixth Legislature, so as to provide that all proceeds heretofore, or hereafter paid and collected arising from activities affecting lands belonging to the University of Texas shall be credited to the available fund for such institution, and shall be held by the Board of Regents, of such institution in a special building fund, and be expended by it only for the erection of buildings or other permanent improvements upon the University campus, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 403, A bill to be entitled "An Act to create the Coahoma Independent School District in Howard County; providing a board of trustees therefor, vesting said Coahoma

Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all current contracts of the said Common School District No. 2 as the subsisting obligations and Acts of the Coahoma Independent School District, as created by this Act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory hereby incorporated, as herein set out, and declaring an emergency."

H. B. No. 406, A bill to be entitled "An Act creating the Courtney Independent School District in Martin County, Texas; defining its boundaries, such boundaries to be the same as the Courtney School District No. 5 of Martin County; providing for a board of trustees in said district; conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees of the Courtney Common School District No. 5 shall continue in office until the first Saturday in April, 1925, or until their successors are elected and qualified; and providing that such trustees shall have the power to appoint four other trustees; providing for an election to be held on the first Saturday of April, 1925, to elect the successors of said trustees; providing for the levying, assessing and collecting of taxes annually; providing the title of all property within said district and all funds shall vest in the board of trustees of said Courtney Independent School District and successors in office, and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act creating the Bessmay Independent School District in Jasper County, Texas, out of part of the territory included in the Buna Independent School District; defining its boundaries and redefining the boundaries of Buna Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included

within the bounds thereof shall remain in full force and effect; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 428, A bill to be entitled "An Act to create the Palava Independent School District, Fisher County, Texas; including therein the present Palava Independent School District No. 43; providing a board of trustees therefor, vesting said Palava Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all current contracts of the present Palava Independent School District No. 43, as the subsisting obligations and acts of the Palava Independent School District as created by this Act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory hereby incorporated, as herein set out, and declaring an emergency."

H. B. No. 445, A bill to be entitled "An Act to amend Section 3, Chapter 3, Local and Special Laws, Thirty-fifth Legislature, Fourth Called Session, being entitled 'An Act to create and establish the Batson Independent School District in Hardin County, Texas,' and declaring an emergency."

H. B. No. 449, A bill to be entitled "An Act changing the boundaries of the Chaireno Independent School District in Nacogdoches County, as created by an Act of the Thirty-fifth Legislature at its Regular Session, as printed in the Local and Special Laws of the Regular Session of the Thirty-fifth Legislature at page 207, and amended by an Act of the Thirty-sixth Legislature at its Regular Session, as printed at page 132, and declaring an emergency."

The House has granted the request of the Senate for a Free Conference Committee on S. B. No. 183, and the following committee is appointed on part of the House: Blount, Hall, Stephens, Dunn of Falls, Hagaman.

S. C. R. No. 28, Relating to adjournment of Legislature to visit the Rio Grande Valley.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives

#### Senate Bill No. 17.

The Chair laid before the Senate, on third reading,

S. B. No. 17, A bill to be entitled

"An Act to provide for co-operation between the State of Texas and the U. S. Department of Agriculture in the destruction of rodent pests—prairie dogs, rats, pocket gophers and ground squirrels; and predatory animals—coyotes, wolves, mountain lions, bobcats and other predatory animals; appropriating funds for such purposes, and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—16.

Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Hardin of Erath.	Reid.
Holbrook.	Russek.
Lewis.	Ward.
Moore of Hunt.	Wood.
Parnell.	Woodward.

Nays—9.

Bailey.	Murphy.
Bowers.	Strong.
Davis.	Triplett.
Miller.	Wirtz.
Moore of Cooke.	

Absent.

Floyd.	Smith.
Hardin of Kaufman.	Stuart.
Real.	Witt.

#### House Bills on First Reading.

The following House Bills were laid before the Senate, read severally first time and referred to appropriate committees:

H. B. No. 8, referred to Committee on Civil Jurisprudence.

H. B. No. 72, referred to Committee on Civil Jurisprudence.

H. B. No. 74, referred to Committee on Educational Affairs.

H. B. No. 76, referred to Committee on State Affairs.

H. B. No. 92, referred to Committee on Civil Jurisprudence.

H. B. No. 100, referred to Committee on Educational Affairs.

H. B. No. 174, referred to Committee on Public Lands and Land Office.

H. B. No. 246, referred to Committee on Finance.

H. B. No. 403, referred to Committee on Educational Affairs.

H. B. No. 406, referred to Committee on Educational Affairs.

H. B. No. 414, referred to Committee on Educational Affairs.

H. B. No. 428, referred to Committee on Educational Affairs.

H. B. No. 445, referred to Committee on Educational Affairs.

H. B. No. 449, referred to Committee on Educational Affairs.

#### Senate Bill No. 289.

The Chair laid before the Senate, on third reading,

S. B. No. 289, A bill to be entitled "An Act to require every insurance company, corporation, inter-insurance exchange, reciprocal, association, Lloyds or other insurer writing workmen's compensation, employers' liability, public liability, teams liability, automobile liability, elevator liability, contractual liability, product liability, sports liability, druggists' liability, physicians', surgeons and dentists' liability, hospital liability, property damage liability, automobile collision, elevator collision, burglary, theft, larceny, robbery, plate glass, bank check, forgery, sprinkler leakage, water damage, fraud, steam boiler, flywheel, engine breakage, electrical machinery, automobile fire, theft and transportation insurance and fidelity, and surety bonds and undertakings in this State, to file with the Commissioner of Insurance its classification of risks and premium rates together with basis rates and schedule and experience or merit-rating plan and any other plan of adjusting rates to individual risks; requiring the equipment subject to his control and examination; providing that the rates, classifications, policy forms, rules and regulations now in use shall remain in effect until the commissioner shall have approved other or different rates, classifications, policy forms, rules and regulations; providing that no assessment, levy or collection for expenditures in 1925 of the special tax imposed by Section 11, Chapter 182, General Laws of Regular Session of the Thirty-eighth Legislature, shall be made, and revoking and canceling, any assessment or levy for expenditure in 1925, heretofore made; providing a penalty for the violation of the provisions of this Act; providing that if any part of this Act shall be held to be unconstitutional it shall not affect any other part of this Act; repealing all of Chapter 182, Acts of the Regular Session of the Thirty-eighth Legislature enacted in 1923, and Sections 16c and 17 of part III and part of Section 2 of part IV of

Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, known as the workmen's compensation law, and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or with any provision hereof, and declaring an emergency."

The bill was read third time, and, Senator Pollard moved that the same be laid on the table subject to call, which motion was adopted.

#### Senate Bill No. 24.

The Chair laid before the Senate, as called from the table by Senator Murphy,

S. B. No. 24, A bill to be entitled "An Act amending Articles 1492, 1493 and 1494, Revised Civil Statutes of Texas, providing procedure in the preparation and conduct of budgets of counties in which there is a county auditor, repealing all laws in conflict herewith."

The bill had been read second time and

Senator Murphy offered the following amendments, severally, which were read and adopted:

1. Amend S. B. No. 24, page 1, line 16, by striking out after the word "shall."

2. Amend S. B. No. 24, page 1, line 17, by striking out the words "or as soon thereafter as possible."

3. Amend S. B. No. 24, page 1, line 23, by striking out the words "in January" and inserting in lieu thereof "following."

4. Amend S. B. No. 24, page 2, by adding after the word "finds" line 30, the following:

"Provided that in case of public calamity or urgent necessity the provisions of this Act may be waived."

5. Amend S. B. No. 24, page 3, line 9, by striking out after the word "month" and lines 10 and 11 and including the word "county" in line 12.

The bill was passed to engrossment.

#### Senate Bill No. 106.

Senator Price moved that S. B. No. 106 be made a special order for next Tuesday morning, following the conclusion of the morning call.

The motion was adopted.

#### Recess.

On motion of Senator Wood the Senate, at 12 m., recessed until 2 o'clock today.

#### After Recess.

The Senate was called to order by Lieutenant Governor Miller.

#### Simple Resolution No. 47.

By Senator Parnell:

Whereas, in those dreadful days when our boys were standing in the shadow of death in the trenches in far-away France, among the splendid men and women who gave unselfishly of their time and talent to lighten their hours of recreation, there was no one more conspicuous or unselfish than Madam Schumann-Heink, and

Whereas, Madam Schumann-Heink is now in the city of Austin, and we desire, in a little way, to show our love and appreciation for the kindnesses and the pleasure she brought to our boys; therefore,

Be it Resolved by the Senate of Texas, That Madam Schumann-Heink be, and is hereby, granted the freedom of the floor of the Senate during her stay in Austin, and is earnestly requested to address the Senate at such time on February 25 as will be most convenient to her.

Barry Miller, Lieutenant Governor; Woodward, Pollard, Eugene Miller, Witt, Davis, Parnell.

The resolution was read and adopted.

#### Senate Bill No. 206.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 206, A bill to be entitled "An Act creating an Illiteracy Board for Texas; defining the powers and duties of said board, and making an appropriation for the work to be carried on under the direction of said board, and declaring an emergency."

The bill was read second time, and Senator Fairchild offered the following amendments, severally, which were read and adopted:

1. Amend S. B. No. 206 by striking out all of Section 1 and inserting in lieu thereof the following:

Section 1. Appointment of Board. That there is hereby created a board to be known as the Texas State Illiteracy Board. The said Texas State Illiteracy Board shall consist of six members, men and women, who shall be appointed by the Governor and confirmed by the Senate. When the first appointments are made, two shall be appointed for two years, two for four years, and two for six

years, from the date of their appointment; after which all appointments shall be for six years, two members being appointed every two years after the first appointments are made. All vacancies occurring in said board shall be filled by the Governor. The members of the board

years of age, shall be resident citizens of the State of Texas and shall not be members of the teaching profession. Appointments of the members of the Texas State Illiteracy Board shall be made within thirty days after this Act takes effect. The State Superintendent of Public Instruction shall be ex-officio secretary of the board.

2. Amend S. B. No. 206 by striking out the last sentence in Section 7, beginning in line 10, and inserting in lieu thereof the following:

The State Superintendent of Public Instruction shall be authorized to require such statistical information from subordinate school officials and from the chairman of the county illiteracy commission as may be necessary to carry out the provisions of this Act. In the event the State Superintendent fails or refuses to furnish said information, then the State Illiteracy Board shall have the same power to require reports from said officials as is now conferred by law upon the State Superintendent of Public Instruction.

Senator Bowers offered the following amendment:

Amend S. B. No. 206 by striking out Section 6.

On motion of Senator Wood the amendment was tabled.

Senator Moore of Hunt offered the following amendment:

Amend S. B. No. 206, page 2, line 21, by striking out the words "and determine the salary to be paid" and insert in lieu thereof the words, "who shall serve without pay."

Senator Fairchild moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—18.

Bailey.	Pollard.
Bledsoe.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Kaufman	Stuart.
Holbrook.	Ward.
Lewis.	Wirtz.
Murphy.	Wood.
Parnell.	Woodward.

Nays—9.

Berkeley.	Moore of Cooke.
Davis.	Real.
Hardin of Erath.	Strong.
Miller.	Triplett.
Moore of Hunt.	

Present—Not Voting.

Price. Witt.

(Pair Recorded.)

Senator Bowers (present), who would vote nay; with Senator Parr (absent), who would vote yea.

Senator Moore of Hunt offered the following amendment:

Amend S. B. No. 206 by striking out all after the period in line 4, page 5, down to and including the word "prescribe" in line 10.

Senator Fairchild moved to table the amendment, which motion to table was adopted, by the following vote:

Yeas—20.

Bailey.	Parnell.
Berkeley.	Pollard.
Bledsoe.	Price.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Stuart.
Hardin of Kaufman	Ward.
Holbrook.	Wirtz.
Lewis.	Wood.
Murphy.	Woodward.

Nays—8.

Davis.	Real.
Miller.	Reid.
Moore of Hunt.	Strong.
Moore of Cooke.	Triplett.

Absent.

Witt.

(Pair Recorded.)

Senator Bowers (present), who would vote nay; with Senator Parr (absent), who would vote yea.

Senator Moore of Hunt offered the following amendment:

Amend S. B. No. 206, page 2, by striking out all after the word "Board" in line 13 down to and including the word "public" in line 17.

Senator Fairchild moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—18.

Bailey.	Bledsoe.
Berkeley.	Fairchild.

Floyd.	Russek.
Holbrook.	Smith.
Lewis.	Stuart.
Murphy.	Ward.
Parnell.	Wirtz.
Pollard.	Wood.
Price.	Woodward.

Nays—9.

Davis.	Real.
Hardin of Erath.	Reid.
Miller.	Strong.
Moore of Hunt.	Triplett.
Moore of Cooke.	

Absent.

Hardin of Kaufman Witt.

(Pair Recorded.)

Senator Bowers (present), who would vote nay; with Senator Parr (absent), who would vote yea.

The bill was then passed to engrossment, by the following vote:

Yeas—20.

Bailey.	Price.
Berkeley.	Reid.
Bledsoe.	Russek.
Fairchild.	Smith.
Floyd.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Murphy.	Wirtz.
Parnell.	Wood.
Pollard.	Woodward.

Nays—8.

Bowers.	Moore of Hunt.
Davis.	Moore of Cooke.
Hardin of Erath.	Real.
Miller.	Strong.

Absent.

Hardin of Kaufman Witt.  
Parr.

Reason for Vote.

I am in sympathy with the purposes of this bill but the State has not the money available to carry out the provisions of same, thus I vote "nay" on this bill.

MILLER.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 206 put on its third reading and final passage, by the following vote:

38—Senate

Yeas—26.

Bailey.	Parnell.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Moore of Hunt.	Wirtz.
Moore of Cooke.	Wood.
Murphy.	Woodward.

Nays—1.

Miller.

Absent.

Hardin of Kaufman Price.  
Parr. Witt.

S. B. No. 206 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—21.

Bailey.	Price.
Berkeley.	Reid.
Bledsoe.	Russek.
Fairchild.	Smith.
Floyd.	Stuart.
Hardin of Kaufman	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Murphy.	Wood.
Parnell.	Woodward.
Pollard.	

Nays—8.

Bowers.	Moore of Hunt.
Davis.	Moore of Cooke.
Hardin of Erath.	Real.
Miller.	Strong.

Absent.

Parr. Witt.

Senate Bill No. 178.

The Chair laid before the Senate, on second reading,

S. B. No. 178, A bill to be entitled "An Act to amend Article 5124 of the Revised Civil Statutes of 1911 of the State of Texas, relating to juries in the district court and providing that nine members of a jury in civil cases in district court may return a verdict upon each of said nine members signing such verdict, and declaring an emergency."

There being an adverse majority committee report and a favorable

minority committee report, Senator Wood moved to adopt the minority committee report, and Senator Moore of Cooke moved, as a substitute, to adopt the majority committee report.

Senator Bowers moved that further consideration of S. B. No. 178 be indefinitely postponed, which motion was adopted, by the following vote:

**Yeas—21.**

Bailey.	Parnell.
Berkeley.	Pollard.
Bowers.	Price.
Davis.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Witt.
Lewis.	Wood.
Miller.	Woodward.
Moore of Hunt.	

**Nays—6.**

Bledsoe.	Murphy.
Fairchild.	Triplett.
Moore of Cooke.	Wirtz.

**Absent.**

Real.	Reid.
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(Pair Recorded.)

Senator Ward (present), who would vote nay; with Senator Parr (absent), who would vote yea.

**Simple Resolution No. 48.**

By Senator Parr:

I move that the House be, and it is hereby requested, to return S. B. No. 335 to the Senate for further consideration.

The resolution was read and adopted.

**House Bill No. 385.**

The Chair laid before the Senate, as called from the table, S. B. No. 248. H. B. No. 385, being on the calendar and the same subject matter, was considered in lieu thereof.

H. B. No. 385, A bill to be entitled "An Act to create the Wolfe City Independent School District in Hunt County, Texas, including the present Wolfe City Independent School District of said county; providing for a board of trustees in said district; vesting said independent school district and board of trustees with all the powers, rights, privileges and duties conferred upon independent school districts incorporated under

the General Laws of Texas; providing that the board of trustees of the present Wolfe City Independent School District shall continue to act as such herein; divesting the city of Wolfe City of the control of the public schools of the district as created by this Act, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Moore of Hunt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 385 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

H. B. No. 385 was laid before the Senate, read third time, and passed finally, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 24, 1925.  
Hon. Barry Miller, President of the Senate.



Sir: I am directed by the House to inform the Senate that the House has passed

H. C. R. No. 20, Inviting Madame Schumann-Heink to visit the House and Senate, and extending thanks to her for her patriotic work.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### H. C. R. No. 20.

The Chair laid before the Senate, H. C. R. No. 20, Inviting Madame Schumann-Heink to visit the House and Senate.

The resolution was read and adopted.

#### Senate Bill No. 97.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 97, A bill to be entitled "An Act to amend Article 4712, Chapter 1, Title 71 of the Revised Civil Statutes of Texas of 1911, providing for the investment of surplus money of insurance companies; and also to amend Article 4734, Chapter 2, Title 71 of the Revised Civil Statutes of Texas of 1911, prescribing and defining the securities in which the funds of life insurance companies may be invested; and also to amend Article 4776, Chapter 3, Title 71 of the Revised Civil Statutes of Texas of 1911, defining "Texas Securities" in which the "Texas Reserves" of foreign life insurance companies doing business in the State of Texas must be invested; and also to amend Article 4811, Chapter 6, Title 71 of the Revised Civil Statutes of Texas of 1911, defining and prescribing the character of securities in which co-operative life insurance companies organized under the laws of Texas may invest their funds."

Pending.

#### Bills Signed.

The Chair, Lieutenant Governor Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolutions:

H. B. No. 372.

H. C. R. No. 14.

H. C. R. No. 11.

H. C. R. No. 16.

H. C. R. No. 10.

#### Adjournment.

On motion of Senator Wood, the Senate at 3:50 o'clock p. m. adjourned until tomorrow morning at 9 o'clock.

## APPENDIX.

### Committee Reports.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred,

S. B. No. 364, A bill to be entitled "An Act providing that the Attorney General shall bring suit for the recovery of public land held adversely to the State and purchasers under the State; fixing the venue providing claimants may in certain cases file affidavit and bond for the recovery of said lands, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

Committee Room,

Austin Texas, Feb. 21, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 281, A bill to be entitled "An Act to provide for the inspection and standardization of junior colleges, teachers colleges, and universities of the first class; prescribing fees therefor; providing fees to be paid by teachers securing certificates based on work done in such institutions; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 402, A bill to be entitled "An Act to amend Section 1 of Chapter 85, House Bill No. 81, enacted by the Thirty-sixth Legislature at its Third Called Session, creating the Kirbyville Independent School Dis-

tract in Jasper and Newton Counties, Texas, correcting certain errors in the metes and bounds of said district, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 74, A bill to be entitled "An Act to create the Big Lake Independent School District, Reagan County, Texas, providing a board of trustees therefor, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 403, A bill to be entitled "An Act to create the Coahoma Independent School District in Howard County, Texas, including therein the present Common School District No. 2 of Howard County; providing a board of trustees therefor, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

H. B. No. 406, A bill to be entitled "An Act creating the Courtney Independent School District in Martin County, Texas; defining its boundaries to be the same as the Courtney School District No. 5, of Martin County; providing for a board of trustees in said district, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 14, A joint resolution "Proposing an amendment to Section 3 of Article 7 of the constitution of Texas so as to increase the authorized rate of taxation for State purposes to one (\$1.00) dollar on the one hundred (\$100.00) dollar valuation."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to who was referred H. B. No. 299, A bill to be entitled "An Act to amend Chapter 107, Section 3, of the Local and Special Laws of the Thirty-fifth Legislature, regulating the method of taking or catching fish in the public fresh waters of Tom Green County, State of Texas, and providing penalties for violations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 355, A bill to be entitled "An Act to authorize water improvement districts or conservation and reclamation districts which are or may be operating under contracts with the United States government or any department thereof, to ac-

quire, construct, operate, lease or otherwise control, use or employ steam and water power of facilities and plants for the generation, distribution and supply of electrical energy; giving them authority to incur indebtedness for the accomplishment of such purposes and authorizing the issuance of bonds therefor, subject to the regulations, terms, conditions and provisions of Chapter 87, General Laws, Thirty-fifth Legislature, Regular Session, relating to issuance and sale of bonds, and of the Acts amendatory thereof and supplementary thereto; authorizing such districts to contract with districts organized under the laws of other states; authorizing the joint acquisition, operation and control of such plants and facilities by such districts; authorizing contracts between said districts to accomplish the purposes authorized by this Act; requiring ratification of such contracts by the legally qualified voters of such district, and prescribing the method of entering into such contracts; authorizing such districts to sell or lease power to municipal and other corporations, firms or individuals; authorizing the establishment of a joint office for two or more such districts and the employment of a general manager, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Committee, Room,

Austin, Texas, Feb 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 313, A bill to be entitled "An Act to authorize owners of oil and gas permits and leases heretofore issued or hereafter issued on fresh water lakes to sell and transfer same as a whole or in tracts of not less than forty acres, and to authorize owners of oil and gas permits and leases heretofore issued or hereafter issued on river beds to sell and transfer same as a whole or in tracts of not less than two thousand six hundred forty linear feet following the meanderings of such river; providing for recording transfers, filing same in the General Land

Office; subdividing permits and leases upon payment of certain fees; providing for dissolution of combined permits and leases; appropriating fees to general revenue and public free school fund; providing for assignees to assume obligations of the original permittee or lessee on the area assigned, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Committee, Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 353, A bill to be entitled "An Act to propagate and protect wild fox and wild racoon; to prevent shooting and trapping wild fox and wild racoon within the limits of Harris County, State of Texas, for a period of five years from and after the passage of this Act; and providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee, Room,

Austin, Texas, Feb. 24, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 374, A bill to be entitled "An Act making it lawful for the commissioners' courts of McCulloch, San Saba and Lampasas Counties to pay out of the general fund of such counties bounties for the destruction of predatory animals; providing that on petition of two hundred freeholders the commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee, Room,  
Austin, Texas, Feb. 24, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 359, A bill to be entitled "An Act amending Articles 3 and 7 of Chapter 155, General Laws, Acts of the Regular Session of the Thirty-sixth Legislature so as to give the Railroad Commission of Texas authority to make and enforce rules and regulations for the conservation of the oil and gas resources of the State of Texas and to regulate the drilling, location and spacing of oil and gas wells, providing methods and jurisdictions for the enforcement thereof, prescribing penalties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 350, A bill to be entitled "An Act granting power to the Railroad Commission of Texas to supervise and control the taking of natural gas from all gas wells in Texas; providing for rules and regulations for the exercise of such power; providing for the enforcement of the provisions hereof and any rule or regulation of said Railroad Commission made hereunder, and making this law cumulative of all laws regarding the supervision and control of natural gas in the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 325, A bill to be entitled "An Act to authorize the establishment of co-operative credit associations for the purpose of promoting

thrift among their members, of providing the members with loans for productive or remedial purposes at reasonable rates of interest, of fostering the co-operative spirit, and for other purposes."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 27, A bill to be entitled "An Act amending Chapter 127 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relating to highway traffic officers so as to require the wearing of uniforms by such officers, and providing for the payment of salaries of such officers and that no fees shall be charged for any service of such officers, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 372, A bill to be entitled "An Act to amend all that portion of Senate Bill No. 101 passed at the Regular Session of the Thirty-ninth Legislature and signed by the Governor contained under the section headed 'Court of Civil Appeals, Sixth District, Texarkana,' and above the section headed 'Court of Civil Appeals, Seventh District, Amarillo,' so that such section as amended will reduce the item of \$2,500.00 for book-cases for the year ending August 31, 1926, from \$2,500.00 to \$1,300.00; and adding a new line to such section providing for the year ending August 31, 1926, the sum of \$600.00, and for the year ending August 31, 1927, the sum of \$600.00 for porter hire, and the sum of \$100.00 for each of said fiscal years for bailiff, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 362, A bill to be entitled "An Act providing a method of serving citation in cases filed in the district and county courts of this State upon defendants who are residents or inhabitants of the State, in cases whereby reason of the defendants concealing themselves, or other good reasons to be shown to the court by affidavit, or otherwise, the plaintiff is unable to secure service of citation of such defendant by the delivery of such citation to them in person, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 362.

Beg leave to differ with the majority of the committee, and report the same back to the Senate with the recommendation that it do pass.

WIRTZ.  
STUART.

Committee Room,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 85, A bill to be entitled "An Act providing for the appointment of assistant district attorneys and a special investigator in any judicial district consisting of more than one county, in any county in such district

having a population in excess of seventy thousand, and providing for their salaries and the manner of their payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 142, A bill to be entitled "An Act amending Section 9 of Chapter 40, General Laws passed at the First, Second and Third Called Sessions of the Thirty-eighth Legislature of the State of Texas relating to agricultural credit corporations; regulating the rate of interest to be charged by corporations organized under the provisions of this chapter."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1925.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 357, A bill to be entitled "An Act to prohibit any person who may either directly or indirectly cause the death of another by unlawful means from inheriting any property, either real, personal or mixed, from such deceased person under the laws of descent and distribution, nor under a will of such deceased person, unless such will be executed after such unlawful means was used, with knowledge upon the part of such deceased person as to whom inflicted such unlawful injury."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 289 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 17 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 327 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1924.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 330 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

#### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 25, 1925.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

Prayer by Dr. Jewett of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

#### Bills and Resolutions.

By Senator Bailey:

S. B. No. 382, A bill to be entitled "An Act to provide for the printing, sale and distribution of the Revised Civil Statutes of 1925; the Penal Code, and Code of Criminal Procedure of 1925; as passed at the Regular Session of the Thirty-ninth Legislature; providing that all officers in Texas who have taken out their commission shall be entitled to a copy of said Revised Civil Statutes, Penal Code and Code of Criminal Procedure for the use and benefit of their respective office; providing that each senator and representative in the Legislature of the State of Texas shall be entitled to a copy each of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure; providing that the State Board of Control shall have printed at the expense of the State ten thousand copies of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure to be bound in law sheep and to be sold at actual cost to the State, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 383, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Harris County, Texas; providing for office and travelling expenses, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bowers:

S. B. No. 384, A bill to be entitled "An Act creating the Mumford Independent School District of Robertson County, Texas, as is included by the field notes as follows: Defining its boundaries, investing it with the rights, powers and duties and privileges of a district incorporated for school purposes under the General Law; providing for a board of trustees therefor; making provisions for taxation for school purposes in said district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey:

S. B. No. 385, A bill to be entitled "An Act making appropriation out of the State Treasury for compensa-